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EXAMINER
MOLINARI, MICHAEL J

ART UNIT	PAPER NUMBER
2665	

DATE MAILED: 01/29/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 07-01)

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on <u>07 April 2000</u>.

2a) ☐ This action is **FINAL**.   2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) <u>1-18</u> is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) <u>1-18</u> is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) ☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____ .

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) ☐ The translation of the foreign language provisional application has been received.

15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) <u>4</u>.

4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: .

DETAILED ACTION

Claim Rejections - 35 USC § 112

1.   The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the
> subject matter which the applicant regards as his invention.

2.   Claim 18 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for

failing to particularly point out and distinctly claim the subject matter which applicant regards as

the invention. Lines 4-5 of the claim cite the limitation "making an entry in the data structure the

virtual circuit....", which is unclear. Appropriate correction is required.

Claim Rejections - 35 USC § 102

3.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on
> sale in this country, more than one year prior to the date of application for patent in the United States.

4.   Claims 1-5, 7-10, and 12-17 are rejected under 35 U.S.C. 102(b) as being anticipated by

Burwell et al. (U.S. Patent No. 5,818,842).

5.   Referring to claim 1, Burwell et al. disclose a method of communicating with a virtual

circuit network comprising: on a host computer communicatively linked with a virtual circuit

network and communicatively linked with a device over a local area network, receiving a virtual

circuit message from the virtual circuit network; referencing a data structure (look-up table, see

column 11, line 54) associating a virtual circuit of the virtual circuit network with the device (see

column 12, lines 42-45); and based on the association, passing the virtual circuit message to the device over the local area network (see column 8, lines 44-46).

6.   Referring to claim 2, Burwell et al. disclose that the data structure is a table containing an entry associating the virtual circuit with the device (see column 11, line 54).

7.   Referring to claim 3, Burwell et al. disclose that the data structure is a table containing an entry associating the virtual circuit with the network address of the device (see column 7, lines 65-67).

8.   Referring to claim 4, Burwell et al. disclose that the device is a personal computer (see column 3, lines 13-14).

9.   Referring to claim 5, Burwell et al. disclose that the virtual circuit network is an asynchronous transfer mode network (see column 7, lines 29-32).

10.   Referring to claim 7, Burwell et al. disclose a computer-readable medium having stored thereon a data structure comprising: an association between a virtual circuit of a virtual circuit network (look-up table, see column 11, line 54 and see column 12, lines 42-45), the association being usable by a proxy host communicatively linked with the network and communicatively linked with a device over a local area network, the association being usable by the proxy host to pass virtual circuit messages received from the virtual circuit network to the device (see column 8, lines 44-46).

11.   Referring to claim 8, Burwell et al. disclose a computer system comprising a proxy host computer, the proxy host computer comprising a memory having stored therein programs comprising: a networking program for unwrapping a device message received from a virtual circuit network to extract a virtual circuit message (see column 8, lines 25-36 and see column 3,

lines 17-19); a call deflector program for determining an association between a device on a local

area network and a virtual circuit of the virtual circuit network (see column 7, lines 60-64); and a

packet switching program for passing the extracted virtual circuit message to the device over the

local area network based on the determined association (see column 8, lines 44-46).

12.   Referring to claim 9, Burwell et al. disclose that the stored programs further comprise a

bus driver for unwrapping a bus-specific message to extract the device message, wherein the

bus-specific message is received from an interface device connected to the virtual circuit

network (see column 3, lines 23-25).

13.   Referring to claim 10, Burwell et al. disclose that the virtual circuit network is an

asynchronous transfer mode network (see column 7, lines 29-32) and wherein the virtual circuit

message is an asynchronous transfer mode cell (see Abstract, line 3).

14.   Referring to claim 12, Burwell et al. disclose a plurality of devices communicatively

linked to the proxy host over a local area network (see column 3, lines 13-15), wherein each of

the plurality of devices comprises a memory having stored therein programs comprising: a

networking program for unwrapping a virtual circuit message received from the proxy host to

extract data (see column 3, lines 17-19) and pass the data to an application program, wherein the

application program provides the data to a user at the device (see column 15, lines 55-65).

15.   Referring to claim 13, Burwell et al. disclose a computer-readable medium having stored

thereon computer executable instructions for performing steps comprising: on a host computer

communicatively linked with a virtual circuit network and communicatively linked with a device

over a local area network, receiving a virtual circuit message from the virtual circuit network;

referencing a data structure (look-up table, see column 11, line 54) associating a virtual circuit of

the virtual circuit network with the device (see column 12, lines 42-45); and based on the

association, passing the virtual circuit message to the device over the local area network (see

column 8, lines 44-46).

16.   Referring to claim 14, Burwell et al. disclose that the data structure is a table containing

an entry associating the virtual circuit with the device (see column 11, line 54).

17.   Referring to claim 15, Burwell et al. disclose that the data structure is a table containing

an entry associating the virtual circuit with the network address of the device (see column 7,

lines 65-67).

18.   Referring to claim 16, Burwell et al. disclose that the device is a personal computer (see

column 3, lines 13-14).

19.   Referring to claim 17, Burwell et al. disclose that the virtual circuit network is an

asynchronous transfer mode network (see column 7, lines 29-32).

Claim Rejections - 35 USC § 103

20.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
> such that the subject matter as a whole would have been obvious at the time the invention was made to a person
> having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
> manner in which the invention was made.

21.   Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Burwell et al. as

applied to claim 1 above, and further in view of Hamami (U.S. Patent No. 6,182,193).

22.   Referring to claim 6, Burwell et al. disclose setting up virtual circuits based on messages

from the devices (see column 8, lines 40-42) and discloses determining the network address of

the device (see column 7, lines 36-43) and making an entry in the data structure associating the

virtual circuit with the network address of the device (see column 4, lines 48-51). Burwell et al.

differ from claim 6 in that they fail to disclose generating a call reference value. However, the

generation of call reference values in ATM virtual circuit setup is well known in the art. For

example, Hamami teaches generating a call reference value (see column 2, lines 11-13), which

has the advantage of being the conventional way to create a SVC in an ATM network. One

skilled in the art would have recognized the advantage of using a call reference value as taught

by Hamami. Therefore, it would have been obvious to a person with ordinary skill in the art at

the time of the invention to incorporate the use of generating call reference values as taught by

Hamami into the invention of Burwell et al. to achieve the advantage of conforming to the

conventional way to create a SVC in an ATM network.

23.   Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Burwell et al. as

applied to claim 8 above, and further in view of Boucher et al. (U.S. Patent No. 6,226,680).

24.   Referring to claim 11, Burwell et al. disclose a networking program for unwrapping a

device message received from a virtual circuit network to extract a virtual circuit message and

teach the use of ATM but differ from claim 11 in that they fail to disclose that the networking

program is network device interface specification layer having an asynchronous transfer mode

miniport. However, the use of the network device interface specification layer and asynchronous

transfer mode miniports is well known in the art. For example, Boucher et al. teach the use of an

NDIS layer and a miniport (see column 14, lines 55-66), which have the advantage of being

working with the command driver to process network messages. One skilled in the art would

have recognized the advantage of using an NDIS layer and a miniport as taught by Boucher et al.

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the

invention to incorporate the use of an NDIS layer and a miniport as taught by Boucher et al. into

the invention of Burwell et al. to achieve the advantage of being able to work with the command

driver to process network messages.

25.   Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Burwell et al. as

applied to claim 13 above, and further in view of Hamami (U.S. Patent No. 6,182,193).

26.   Referring to claim 18, Burwell et al. disclose setting up virtual circuits based on messages

from the devices (see column 8, lines 40-42) and discloses determining the network address of

the device (see column 7, lines 36-43) and making an entry in the data structure associating the

virtual circuit with the network address of the device (see column 4, lines 48-51). Burwell et al.

differ from claim 18 in that they fail to disclose generating a call reference value. However, the

generation of call reference values in ATM virtual circuit setup is well known in the art. For

example, Hamami teaches generating a call reference value (see column 2, lines 11-13), which

has the advantage of being the conventional way to create a SVC in an ATM network. One

skilled in the art would have recognized the advantage of using a call reference value as taught

by Hamami. Therefore, it would have been obvious to a person with ordinary skill in the art at

the time of the invention to incorporate the use of generating call reference values as taught by

Hamami into the invention of Burwell et al. to achieve the advantage of conforming to the

conventional way to create a SVC in an ATM network.

Conclusion

27.   The prior art made of record and not relied upon is considered pertinent to applicant's

disclosure.

28.   U.S. Patent No. 5,581,552 to Civanlar et al. teaches the use of proxy network nodes that

can translate ATM addresses and that use LANE.

29.   U.S. Patent No. 5,752,002 to Hart teaches the use of an edge network device that is

capable of creating a virtual LAN across an ATM network.

30.   U.S. Patent No. 5,394,402 to Ross teaches a method of creating a VLAN using edge

devices.

31.   U.S. Patent No. 6,185,215 to Aho teaches the use of an edge device for use between

ATM networks and other types of networks.

32.   U.S. Patent No. 6,141,339 to Kaplan et al. teaches the use of an ATM-to-IP proxy.

33.   U.S. Patent No. 5,457,681 to Gaddis et al. teaches an ATM to Ethernet portal.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Michael J Molinari whose telephone number is (703) 305-5742.

The examiner can normally be reached on Monday-Friday 9am-5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Huy Vu can be reached on (703) 308-6602. The fax phone numbers for the

organization where this application or proceeding is assigned are (703) 872-9314 for regular

communications and (703) 872-9315 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding

should be directed to the receptionist whose telephone number is (703) 305-3900.

Michael Joseph Molinari
January 23, 2003

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SUPERVISORY PATENT EXAMINER
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